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In re Application of:
SKIBA, Krzysztof
U.S. Application No.: 10/596,284
PCT No.: PCT/PL2004/000099
International Filing Date: 02 December 2004
Priority Date: 11 December 2003
Atty Docket No.: 257.802
For: CLIP FOR FIXING A LIGHT
SOURCE AROUND AN EDGE OF A
PANEL

DECISION ON RESPONSE

This decision is issued in response to the "Response to Notification of Missing Requirements" filed 23 May 2007, treated herein under 37 CFR 1.181 as a request to correct a typographical error in the inventor's name. No petition fee is required.

BACKGROUND

On 02 December 2004, applicant filed international application PCT/PL2004/000099. The international application claimed a priority date of 11 December 2003, and it designated the United States. On 23 June 2005, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 11 June 2006.

The published international application listed one inventor for the purposes of the United States: Krzysztof SKIBA.

On 08 June 2006, applicant filed (electronically) a national stage of PCT/PL2004/000099 in the United States. The national stage submission identified the inventor as Krzysztof SKIBA and included, among other materials, payment of the small entity basic national fee and an executed declaration. The name of the inventor on the declaration was listed as Krzysztof SKIBA, rather than Krzysztof SKIBA (as this inventor was identified on the published international application).

On 04 April 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date. The Notification Of Missing Requirements noted that the declaration filed 08 June 2006 was defective because the spelling of

the inventor's first name was not consistent with the spelling set forth in the international application.

On 23 May 2007, applicants filed the "Response to Notification of Missing Requirements" considered herein. The submission requests acceptance of the declaration filed 08 June 2006, asserting that the discrepancy between the inventor's name in the declaration and the international application was the result of a typographical error in the international application.

DISCUSSION

Section 201.03 of the Manual of Patent Examining Procedure states that, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition is not required, nor is a new oath or declaration needed. Here, applicant's 23 May 2007 submission states that the correct first name of the inventor is Krzysztof, as listed on the declaration filed 08 June 2006, and that the listing of this inventor's name as Krzystof in the international application (and the original national stage submission) was the result of a typographical error.

Based on the 23 May 2007 submission, the correct name for the inventor is accepted as Krzysztof SKIBA, as set forth in the declaration filed 08 June 2006. In light of this correction, the declaration filed 08 June 2006 is now acceptable under 37 CFR 1.497. Because the declaration was filed prior to expiration of thirty months from the priority date, no surcharge payment is required.

CONCLUSION

Applicant's 23 May 2007 request to correct the spelling of the inventor's name herein is **GRANTED**.

The name of record for the sole inventor is accepted as **Krzysztof SKIBA**, as set forth in the declaration filed 08 June 2006. Based on the correction of the inventor's name, the declaration filed on 08 June 2006 is acceptable under 37 CFR 1.497.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 08 June 2006.



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